

DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

August 4, 2017

STAFF SUMMARY REPORT

TO: PLANNING COMMISSION

SUBJECT: Rezone #17-20

Scott Clark requests a rezone per Sec. 14-727 of the Rogers Code of Ordinances.

PLANNING OFFICIAL: Ethan Hunter

SUMMARY

1. **BACKGROUND:** This is a request to rezone 311 S Promenade Boulevard from A-1 (Agricultural) to R-O (Residential Office).
 - a. The current use of the subject property is residential.
 - b. The applicant currently uses the building for office purposes, and this request seeks to make that use conform to the zoning code.
2. **FINDINGS:** Staff supports this request for the following reasons:
 - a. The proposed zoning would not substantially impact adjacent property in terms of intensity;
 - b. The proposed zoning is consistent with the established land-use pattern of the surrounding area. R-O serves as a transition zone between traditional single-family residential and higher-intensity commercial along Walnut. The same C-2/R-O/A-1 sequence exists south of the subject property along Promenade Boulevard; and
 - c. The proposed use is not different from the current use. Other permitted uses within R-O are compatible with adjacent land-use as well, so future use changes within the R-O designation do not present a concern.
3. **VIEWS OF OTHERS:** None.
4. **SUGGESTED MOTIONS:**
 - a. "Motion to **approve/deny/table** the request by Scott Clark to rezone 311 S Promenade Boulevard from A-1 to R-O."
5. **RECOMMENDATION:** Approve.

Note: staff recommendations are based on the documentation available at the time of request and may not reflect all information made available to officials during discussion and consideration.

JOHN C. MCCURDY, Director
Department of Community Development

Tabs:

1. Rezone application with required supplements
2. Maps and photos



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OFFICE USE ONLY

Permit Fee: \$200 CH 1079 (\$200)
Zoning: A-1 to R-0
Permit Number: 17-20
CityView Application: PL201700395
Date: 7-28-17

REZONE APPLICATION

APPLICANT: Scott Clark

ADDRESS: 311 S. Promenade Blvd. SUITE #:

GENERAL LOCATION OF PROPERTY:

PHONE #: 479-619-7741 EMAIL: scott.clark@chick-fil-a.com

PROPERTY OWNER: Scott Clark PHONE #: 479-619-7741

PRESENT USE: personal office / residential ZONING: A-1

PROPOSED USE: personal office ZONING: R-0

Applicant Signature: Scott C. Clark Date: 7/24/2017

Attachment Checklist:

- ☒ Legal description of property Lot 02-00861-090
- ☐ Applicant Certification
- ☒ Property Owner Affidavit
- ☐ Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: 7-26-17 PUBLIC HEARING DATE: 8-15-17 CERTIFIED MAIL DATE: 7-31-17

PLANNING COMMISSION ACTION: DATE:

CITY COUNCIL ACTION: DATE:

ORDINANCE NUMBER: COMMENTS:



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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut on **August 15, 2017** at **4:30 pm** on the application by **Scott Clark** to rezone **311 S Promenade Blvd** from a **A-1 (Agricultural)** to the **R-O (Residential Office)** zoning district. The property being more particularly described as follows:

LEGAL DESCRIPTION:

A part of the NE 1/4 of the SE 1/4 of Section 9, Township 19 North, Range 30 West in Benton County, Arkansas, described as follows: Commencing at the SW corner of said NE 1/4 of the SE 1/4; thence North 218 feet to the point of beginning; thence North 89 degrees 54 minutes 20 seconds East 215.90 feet; thence North 00 degrees 19 minutes West 147.00 feet; thence South 89 degrees 09 minutes West 215.10 feet; thence South 144.20 feet to the point of beginning and subject to a 20 foot wide easement across the Southerly side, and an easement on the Westerly side for road and utility purposes.

LAYMAN'S DESCRIPTION:

311 S Promenade Blvd

Eriks Zvers, Secretary
Rogers Planning Commission

PUBLISH ONE TIME ONLY: **July 31, 2017**
BILL THE CITY OF ROGERS

PROPERTY OWNER AFFIDAVIT

The petitioner, Scott Clark, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: SEE APPLICATION

LAYMAN'S DESCRIPTION: 311 S. PINEHURST BLVD

PRESENT ZONING: A-1

ZONING REQUEST: R-0

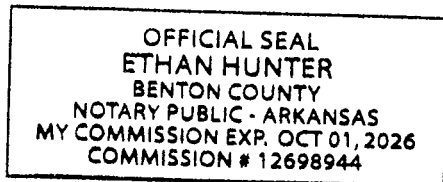
Respectfully Submitted,

By: Scott Clark
(Property Owner Signature)

STATE OF ARKANSAS

COUNTY OF BENTON

Subscribed and sworn before me this the 26 day of July, 2017.



Eth Hunter
Notary Signature

ETHAN HUNTER
Notary Name Printed

10/1/2026
Commission Expires

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 14 day of August, 20 17.

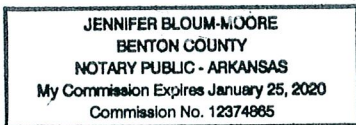
Scott A. Clark
Signed

Scott A. Clark
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 4th day of August, 20 17.



Jennifer Bloum-Moore
Notary Signature

Jennifer Bloum-Moore
Notary Name Printed

1/25/2020
Commission Expires

A part of the NE 1/4 of the SE 1/4 of Section 9, Township 19 North, Range 30 West in Benton County, Arkansas, described as follows: Commencing at the SW corner of said NE 1/4 of the SE 1/4; thence North 218 feet to the point of beginning; thence North 89 degrees 54 minutes 20 seconds East 215.90 feet; thence North 00 degrees 19 minutes West 147.00 feet; thence South 89 degrees 09 minutes West 215.10 feet; thence South 144.20 feet to the point of beginning and subject to a 20 foot wide easement across the Southerly side, and an easement on the Westerly side for road and utility purposes.

Scott Clark
2004 NW Desoto Dr.
Bentonville, Arkansas 72712
July 24, 2017

Ethen Hunter
Community Development
City of Rogers, Arkansas
301 W. Chestnut
Rogers, AR 72756

Dear Ethen Hunter or To Whom It May Concern:

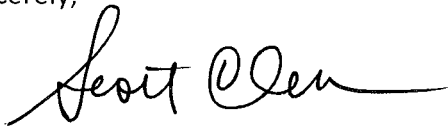
I own the small house at 311 S. Promenade Blvd. My intent is to use the house for my own personal private office and rarely occupy the premises.

I dropped by the Rogers' Planning Division when I purchased the property to ensure I could purchase a home in Rogers and occupy as a private (not open to the public, no signs, no changes to the residence) personal office and I was told that it was acceptable anywhere in the City. I understood from the person I spoke with that this is a practice with others, keeping a private office in their 1st or 2nd home. This would be as a 2nd home although I would rarely if ever spend the evening at the home. I have several businesses and the purpose is to house my personal private office and to use as a place to meet others in a private business meeting. No signage is sought, nor public place to conduct business.

I received noticed on July 22, 2017 from the Department of Community Development Planning Division to seek rezoning of the property and a Certificate of Occupancy. I am seeking both per the letter received from Mr. John McCurdy. My understanding is that I need this property rezoned since I or no one else lives in the home and being a residence is not the primary use of the home.

Thank you for your help allowing me to resolve the zoning requirement.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Clark", with a stylized, flowing script.

Scott Clark

